

Serial No. 10/021,468

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Amendment and Response to Office Action

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REMARKS

I. INTRODUCTION

In response to the final Office Action mailed September 5, 2006 and Advisory Action mailed December 11, 2006, the Assignee submits the following amendments and remarks. A Request for Continued Examination and fee are concurrently filed herewith.

A. Time for Reply to Final Office Action

The Advisory Action stated that "the period for reply expires 3 months from the mailing date of the final rejection." For the reasons set forth below, the Attorney for the Assignee respectfully submits that the period for reply in the Advisory Action is incorrect. The correct period for reply should expire on the later of: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection. Correction is requested.

According to MPEP § 706.07(f), "[i]f the last day of '2 months of the date of the final Office action' falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, and a reply is filed on the next succeeding day which is not a Saturday, Sunday, or a Federal holiday, pursuant to 37 CFR 1.7(a), the reply is deemed to have been filed within the 2 months period and the shortened statutory period will expire at 3 months from the date of the final rejection or on the mailing date of the advisory action, whichever is later (see MPEP § 710.05)." The final Office Action was mailed September 5, 2006. The two month date of the final Office Action was Sunday, November 5, 2006. A response to the final Office Action was filed Monday, November 6, 2006, the next succeeding day, which was not a Saturday, Sunday, or a Federal holiday following the two month date from the final Office

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Action. Accordingly, the response filed November 6, 2006 was filed within the 2 months period and the shortened statutory period for reply should expire December 11, 2006, the later of 3 months from the date of the final Office Action or on the mailing date of the Advisory Action. The Attorney for the Assignee requests correction of the shortened statutory period for reply to the final Office Action.

B. Claim Amendments

Claim 1 has been amended to recite, "wherein the input data file is received via a communications link, ... creating a member profile for the member contributing the input data file, said member profile comprising a statistics file, which includes at least statistics regarding the number of data elements contributed by the contributing member; determining a score for the statistics file by comparing the statistics to a threshold; and determining the contributing member's access to the exchange repository based, at least in part, on the score." "[S]pecifying a reciprocity due to the contributing member, wherein the reciprocity due to the contributing member correlates with the input content and determines a response to an inquiry submitted by the contributing member" has been deleted from claim 1. Furthermore, "associating the input data file with a business entity identifier, said business entity identifier associating information relating to a corresponding business entity and at least one individual associated with the business entity" has been moved within claim 1 for clarity.

Claims 5, 21, and 22 have been amended to correct articles.

Claim 27 has been amended to recite, "wherein the input data file is received via a communications link, ... generating a statistical file based on the input content, said

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statistical file including at least statistics regarding the number of data elements contributed by the member; determining a score for the statistics by comparing the statistics to a threshold; and determining the contributing member's access to the exchange repository based, at least in part, on the score.” “[F]acilitating a determination of a reciprocity due to the contributing member, wherein the reciprocity determines a response to an inquiry submitted by the contributing member” has been deleted from claim 27. Furthermore, “associating the input data file with a business entity identifier, said business entity identifier associating information relating to a business entity and at least one individual associated with the business entity” has been moved within claim 27 for clarity.

Support for the amendments to claims 1 and 27 may be found on page 10, lines 1-4, page 13, lines 13-16 and page 14, lines 5-10.

Claims 98 and 99 are cancelled by the present amendment and response.

Claims 103 and 104 have been added by the present amendment and response. Claim 103 recites “generating the statistics file on a periodic basis.” Claim 104 recites “wherein generating the statistical file based on the input content comprises generating the statistical file on a periodic basis.” Support for claims 103 and 104 may be found in the specification on page 13, line 13.

After entry of the amendments, claims 1-31 and 103-104 are pending in the application. The present response is believed to traverse all of the prior Office Action rejections, and allowance of claims 1-31 and 103-104 is kindly requested. No new matter has been added by the present amendment.

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II. REJECTION OF CLAIMS 1-31 UNDER 35 U.S.C. § 101

The Office Action rejected claims 1-31 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Office Action stated that claims 1 and 27 do not produce a useful, concrete and tangible result. The Assignee respectfully traverses this rejection and requests its reconsideration and withdrawal.

The Office Action stated that reciprocity is not identified “as a number, monetary value, percentage or string” and “[t]herefore, the steps of how to employ an association between an input data file and a business identifier using the input file and by specifying a Reciprocity, are not a practical application and the claims as they are written do not produce a useful, concrete and tangible result.” (Office Action, pg. 4). Claim 1 is amended with the present response to recite the member profile “comprising a statistics file, which include at least statistics regarding the number of data elements contributed by the contributing member; determining a score for the statistics file by comparing the statistics to a threshold; and determining the contributing member’s access to the exchange repository based, at least in part, on the score.” Claim 27 is amended with the present response to recite the statistical file “including at least statistics regarding the number of data elements contributed by the member; determining a score for the statistics by comparing the statistics to a threshold; and determining the contributing member’s access to the exchange repository based, at least in part, on the score.” Accordingly, the Assignee submits that amended claims 1 and 27 produce a useful, concrete and tangible result since a score is determined for the statistics by comparing the statistics to a threshold and the contributing member’s access to the exchange

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repository is determined based, at least in part, on the score. Allowance of claims 1-31 is respectfully requested.

III. ADVISORY ACTION NOTE

The Advisory Action stated that the use of "language such as 'associating,' 'relating to,' 'at least in part' to describe aspects of the claimed method" ... "allows for a broad interpretation of the claims." The Attorney for the Assignee respectfully notes that the terms "associating" and "relating to" were not added by the amendment filed November 6, 2006 or the present amendment.

The Advisory Action stated that "statistic file" was more accurate and supportable than "statistics." Although the Attorney for the Assignee respectfully disagrees that "statistic file" would be more accurate and supportable, the present amendment to claim 1 recites "said member profile comprising a statistics file, which includes at least statistics regarding the number of data elements contributed by the contributing member" and "determining a score for the statistics file by comparing the statistics to a threshold." (Underlining supplied).

The Advisory Action further stated that "[i]ncluding the 'exchange hub' (p 12, lines 25-27) ... in the claim would more clearly define Applicant's method." Claims 1 and 27 recite an "exchange repository," which, in one embodiment of the present invention, is a component of the exchange hub. (See specification, pg. 9, lines 5-9). Accordingly, the Attorney for the Assignee respectfully submits that the claims are clearly defined.

The Advisory Action stated that "[i]ncluding ... member profile (page 13, lines 1-6) ... in the claim would more clearly define Applicant's method." Claim 1 recites, "creating a

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member profile.” Accordingly, the Attorney for the Assignee submits that claim 1 includes member profile.

The Advisory Action stated that “[i]ncluding ... generating a statistics file on a periodic basis (page 13, lines 13-30) ... in the claim would more clearly define Applicant’s method.” Although the Attorney for the Assignee respectfully disagrees that “generating a statistics file on a periodic basis” would more clearly define the claimed methods, claim 103 has been added by the present amendment to recite, “generating the statistics file on a periodic basis” and claim 104 has been added by the present amendment to recite, “wherein generating the statistical file based on the input content comprises generating the statistical file on a periodic basis.”

The Advisory Action stated that “[i]ncluding ... relating the statistic file to data elements (page 13, lines 7-20) in the claim would more clearly define Applicant’s method.” Claim 1 recites, “a statistics file, which includes at least statistics regarding the number of data elements contributed by the contributing member.” Claim 27 recites, “generating a statistical file based on the input content, said statistical file including at least statistics regarding the number of data elements contributed by the member.” Accordingly, the Attorney for the Assignee respectfully submits that the claims are clearly defined.

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CONCLUSION

Claims 1 – 31 and 103-104 are pending in the application. The Office Action rejection is believed to be traversed by the present amendment and response. Allowance of claims 1 – 31 and 103-104 is respectfully requested. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for claims 1 – 31 and 103-104. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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